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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,064	01/20/2004	Daimler Chu	FP9992	6686

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EXAMINER

CULBRETH, ERIC D

ART UNIT PAPER NUMBER

3616

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/759,064	CHU, DAIMLER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eric Culbreth	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-3 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

(The date the applicant signed the declaration seems to have been written over, and the writing is not dated and initialed.)

### ***Response to Amendment***

2. Receipt of the amendment filed 5/21/04 is acknowledged. This amendment canceled claim 4.

3. Receipt of the status inquiries filed 8/17/04 and 11/12/04 is acknowledged. Following is an action on the merits of the case. The examiner notes that the status inquiries were not responded to previously because the Office does not make the examiners aware that status inquiries have been filed.

### ***Drawings***

4. Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated (see page 1, lines 12-13). See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to because of the following informalities. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

- a. On page 8, lines 7-8, reference numeral 12 refers to both arms and a holder; a reference numeral should only refer to one part of the invention. In fact, the part labeled 12 in the drawings is not a holder (apparently, in line 8 "12" should be "13").
- b. Similarly, regarding page 8, line 8, reference numeral 13 is not a hole in the drawings (apparently, in this instance "13" should be "131").
- c. Regarding page 8, line 19 and page 19, line 2, reference numeral 21 refers to both a recession and holding holes.
- d. Generally, page 8 and especially Figures 1-2 are not clear because of confused numerals. The specification should be carefully compared to the drawings and carefully rewritten.

### ***Specification***

6. The abstract of the disclosure is objected to because, in the last line of the abstract "stablness" is idiomatic (this should apparently be "stability"). Correction is required. See MPEP § 608.01(b).
7. The disclosure is objected to because of the following informalities:
  - a. On page 1, line 10 and throughout the specification "stablness" is idiomatic (i.e., this is not a word in English; the proper word would be "stability"). To avoid rewriting the entire specification, it is recommended that at page 1, line 10, "stability or" be added before "stablness".
  - b. On page 1, the last four lines contain an incomplete sentence.

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- c. On page 2, line 8 “and” should be added before “the manufacturers” (this is currently an incomplete sentence).
- d. On page 3, line 14 “is” should be “are”.
- e. On page 3, line 13 “while” should be “when”.
- f. On page 5, line 8 “born” should be “borne”.
- g. On page 6, lines 3-4 are an incomplete sentence (the comma in line 3 should be a semi-colon (“;”)).
- h. On page 6, line 5, one occurrence of “the recessions” should be deleted (the phrase repeats).
- i. On page 6, lines 9-12 “lengthened,” should be “lengthened;” (this is currently an incomplete sentence).
- j. Regarding page 8, line 7 it is not clear how arms 12 are “driving arms”.
- k. On page 8, lines 19-20 “21, thereby” should be “21. Thereby” (otherwise, this is currently an incomplete sentence).
- l. On page 9, line 8 “141, thereby” should be “141. Thereby” in order to avoid an incomplete sentence.
- m. On page 10, line 1 “rendering the supporting arms 2 oscillates as well” should be carefully rewritten (it is currently incorrect grammar and idiomatic).
- n. On page 10, line 17 “improving” should be “improved” for proper grammar.
- o. On page 10, line 18 “As the” should be “The” in order to avoid an incomplete sentence.

Appropriate correction is required.

***Claim Objections***

8. The following is a quotation of 37 CFR 1.75(a):

The specification must conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-3 and 5 are objected under 37 CFR 1.75(a), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 1, line 4 “can be” pivotally held is indefinite, failing to positively define structure (it is recommended “can be” be changed to “are”).

b. In claim 1, lines 8-9 the holding holes and threaded holes are a double inclusion of the holding and threaded holes already recited in claim 1, lines 3-4.

c. In claim 1, line 11, “can be” is indefinite, failing to positively define structure (“can be” should be changed to “are”).

d. In claim 2, line 6 “can be” is indefinite and should be changed to “are”.

e. In claim 2, line 9 the holding and threaded holes recited are a double inclusion of the holding holes and threaded holes already recited in claim 2, lines 3-4.

f. In claim 2, line 10, the through holes and threaded holes in the cover are a double inclusion of the through holes and threaded holes already recited in claim 2, lines 4-5.

g. In claim 2, line 12 “can be” is indefinite (it should be “are”).

h. In claim 2, line 14 “can be” is indefinite (it should be “are”).

i. In claim 3, line 5 there is no clear antecedent basis for “the two side walls”.

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- j. In claim 3, line 5 "is" should be "are".
- k. In claim 5, line 2 there is no antecedent basis for "the cover", as the cover was recited in claim 2, and claim 5 depends from claim 1.
- l. In claim 2, line 11, "the holding hole and the through hole" should be "a holding hole and a through hole" to provide clear antecedent basis.

***Allowable Subject Matter***

- 10. Claims 1-2 would be allowable if rewritten or amended to overcome the objection(s) under 37 CFR 1.75(a), set forth in this Office action.
- 11. Claims 3 and 5 would be allowable if rewritten to overcome the objection(s) under 37 CFR 1.75(a), set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

- 12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Woods et al US006915873B2, Zetterstrom et al US005833026A, and Uhlenhaut et al US Patent 2,942,678 are cited to show supporting arms pivotally attached to transmission housings.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Culbreth  
Primary Examiner  
Art Unit 3616

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